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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,982	11/06/2003	Wei Jie		8228

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EXAMINER
SONG, DAEHO D

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY. (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration..
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-22* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>06 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

Application Number 10701982

Art Unit: 2170

DETAILED ACTION

1.   This is the initial Office Action based on the application number 10701982, filed

Nov. 6, 2003. Claims 1-22, as originally filed, are currently pending and have been

considered below. Claims 1,12, and 16 are the independent claims.

Claim Objections

2.   Claim 2 is objected because of the following informalities: at line 1 of claim 2, "is"

should be "are". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter, which the applicant regards as his invention.

4.   Claims 1,12 and 16 recite the limitation "the local computer". There is insufficient

antecedent basis for this limitation in the claim.

5.   Claims 3 and 4 recite the limitation "the present look-and-feel of bookshelves".

There is insufficient antecedent basis for this limitation in the claim.

6.   Claims 6,15 and 20 recite the limitation "the structure of an existing hierarchical

directory". There is insufficient antecedent basis for this limitation in the claim.

7.   Claims 7 and 21 recite the limitation "the physical bookshelves". There is

insufficient antecedent basis for this limitation in the claim.

8.   Claim 8 recite the limitation "the cover". There is insufficient antecedent basis for

this limitation in the claim.

9.   Claims 13 and 22 recite the limitations both "the look-and-feel of physical library"

and "the classifications of library". There is insufficient antecedent basis for this

limitation in the claim.

10.   Claims 17 and 18 recite the limitation "the look-and-feel of bookshelves". There

is insufficient antecedent basis for this limitation in the claim.

11.   Claims 22 recite the limitation "the building units". There is insufficient

antecedent basis for this limitation in the claim.

12.   Claims 3,4,7,8, 13,17 and 18 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention:

        a.   The phrase, "(and/or images)" in claims 3,4,17, and 18, is vague and

        indefinite. It is unclear whether "(and/or)" images are intended to be part of the

        claim.

        b.   The phrase, "the cover (book)" in claim 8, is vague and indefinite. One

        would not know what differentiates a cover from a cover(book).

        c.   The phrase, "look-and-feel" in claims 3,4,13,17 and 18, is vague and

        indefinite. One would not know the metes and bounds of "look-and-feel."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

MPEP 2106.01. [R5] (Computer-Related Nonstatutory Subject Matter) states:

> For claims including such excluded subject matter to be eligible for patent protection, the claim must be for a practical application of the abstract idea, law of nature, or natural phenomenon. Diehr, 450 U.S. at 187, 209 USPQ at 8 ("application of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection."); Benson, 409 U.S. at 71, 175 USPQ at 676 (rejecting formula claim because it "has no substantial practical application").
> A claimed invention is directed to a practical application of a 35 U.S.C. 101 judicial exception when it:
> (A) "transforms" an article or physical object to a different state or thing; or
> (B) otherwise produces a useful, concrete and tangible result, based on the factors discussed below.

13. Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is directed to a judicial exception to 35 U.S.C. 101 and is not directed to a practical application of such judicial exception of an abstract idea because the invention as claimed produce neither a physical transformation nor a tangible result such that usefulness of the generating a web page can be realized.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15.   Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Robertson, et al (hereinafter Robertson: 6,486,895, issued Nov. 26, 2002 and filed Sep.

8, 1995).

Robertson teaches:

Claim 1: A method of making web pages on the local computer, computer over

the network, server, digital device or digital processing system (Robertson fig. 1

and 2, col.3, lines 42-67; col.4, lines 38-61, col.5,lines 5-10), the method

comprising:

❖ generating a web page or a set of web pages which includes a Visual

Bookshelf or a set of Visual Bookshelves; said Visual Bookshelf

comprises Visual Book Covers which represent Visual Books and link to

the represented Visual Books respectively(Robertson fig.2, col.5,lines 37-

65). Robertson teaches that a web page, titled a "WebBook" is generated

from the page objects and a page object is the internal representation of a

web page for use (See fig. 5), and that a bookshelf is linked to the

WebBook., which may have a book cover or not. (Robertson col. 7, lines

1-2; col.10, lines 29-36).

❖ said Visual Book comprises Visual Navigation Tabs which represent a set

of web pages and link to the represented web pages respectively

(Robertson fig.5, col.6, lines 30-48). Robertson teaches that book control

buttons provide different wet pages that represent the linked web pages.

Claim 2: The method according to claim 1, said web pages including Visual

Bookshelf is written in markup language such as HTML, SGML, XML, XHTML or

their sister, extension and successor languages (Robertson col.3, lines 50-51).

Claim 3: The method according to claim 1, wherein said Visual Bookshelf, with

support of software program, is assembled dynamically with graphics (and/or

images) and titles which match together by the syntax of the markup language, to

the present look-and-feel of bookshelves (Robertson fig.15, col.10, lines 15-35).

Robertson teaches that a bookshelf is presented on a complete Web Browsing

system, which contains image viewing area, linked dynamically to a book title, its

contents and pages.

Claim 4: the method according to claim 1, said Visual Book Cover, with support

of software program, is assembled dynamically with graphics (and/or images)

and titles which match together by the syntax of markup language, to present

look-and-feel of bookshelves (Robertson fig.5, col.7, lines 5-30). Robertson

teaches that a list of pages for the WebBook is linked by the use of relative links

dynamically.

Claim 5: The method according to claim 1, said Visual Bookshelves and Visual

Books are dynamically written based on a database, a data file or a XML file, or

their combination, with support of software program, said database, a data file or

a XML file can be an existing one or created in response of a request from user

interface locally or over network (Robertson fig.6, col.7, lines 41-50). Robertson

teaches that the WebBook data structure is dynamic, and is comprised of an

interactive graphical object information. (See also col.8, lines 31-49)

Claim 6: The method according to claim 1, wherein said Visual Bookshelves and

Visual Books are generated dynamically based on the structure of an existing

hierarchical directory tree in a computer's file system or local/network storage

system, with support of software program (Robertson col.7, lines15-30).

Claim 7: The method according to claim 1, wherein said Visual Bookshelves are

virtually arranged in lines and rows by modeling the physical bookshelves and

presented in elevation view, side view, end view, plan view or 3-D effect view

(Robertson fig. 15).

Claim 8: The method according to claim 1, wherein said Visual Book Covers are presented in front view, side view or 3-D effect view and arranged either in horizontal or vertical line; the cover is either in full view or partially hidden in the bookshelf; the cover (book) in side view is either standing or lying down (Robertson fig. 5)

Claim 9: The method according to claim 1, wherein said Visual Book Covers are presented in one style of physical books, files, journals, albums, notebooks and document papers or newspapers (Robertson fig. 5, col. 2, lines 15-25).

Claim 10: the method according to claim 1 further including: generating a new Visual Book Cover on a Visual Bookshelf in response to a request from user interface with support of software program; generating a new Visual Book as the generation of the new Visual Book Cover with support of software program; automatically creating a link on the new Visual Book Cover to the new Visual Book (Robertson fig.15, col.10, lines 28-36). Robertson teaches that the WebBook is opened using a cursor control device by a user, and it generates to link to a new book. At the same time, the bookshelf maintains the whole WebBooks.

16.   Claims 12-22 are rejected under 35 U.S.C. 102(a) as being anticipated by "The

International Children's Digital Library: Description and Analysis of First Use" by Allison

Druin, et al (hereinafter Druin: May 1, 2003).

Druin teaches:

Claim 12: A method of making web pages on the local computer, computers

over the network, servers, digital devices or digital processing systems, the

method comprising: generating a web page or a set of web pages which includes

a Visual Library; said Visual Library comprises Visual Bookshelf or Visual

Bookshelves or representative images of Visual Bookshelf (Druin fig.1 and 2,

col.5, para. 2-3). Druin shows that a web page of the visual search interface is

based on a visual region library, using the globe interface, and a bookshelf, using

the visual search categories.

Claim 13: The method according to claim 12, wherein said Visual Library has the

look-and-feel of physical library in image or graphic format, and the

classifications of libraries are based on the units in forms of buildings, stories,

door or windows (Druin fig. 1 and 2)

Claim 14: The method according to claim 12, wherein said Visual Library is

written dynamically based on a database, a data file or a XML file, or their

combination, with support of software program, said database, a data file or a

XML file can be an existing one or one created in response of a request from user interfaces locally or over the network (Druin col.4, para.4).

Claim 15: The method according to claim 12, wherein said Visual Library is generated dynamically based on the structure of an existing hierarchical directory tree in a computer's file system or local/network storage system, with support of software program (Druin fig. 1-8 on col. 7-8, col.4, para.5). Druin teaches that a user could perform a search within a regional library by linking to an existing hierarchical structure on a web server.

Claim 16: A method of making graphic user interfaces on the local computer, computers over the network, servers, digital devices or digital processing systems, the method comprising: generating a form or a set of forms which includes a Visual Bookshelf or a set of Visual Bookshelves; said Visual Bookshelf comprises Visual Book Covers which represent Visual Books and link to the represented Visual Books respectively; said Visual Book comprises Visual Navigation Tabs which represent a set of forms and link to the represented forms respectively (Druin col. 5, para. 3-5). Druin discloses that a way of finding books could be done by generating different forms of each item; namely, the categories, which may represent the bookshelves, the book covers, the books, and the book previews.

Claim 17: the method according to claim 16, wherein said Visual Bookshelf, with

support of software program, is assembled dynamically with graphics (and/or

images) and titles which match together, to present the look-and-feel of

bookshelves (Druin col.4, para.4, col.6, fig.2).

Claim 18: the method according to claim 16, said Visual Book Cover, with

support of software program, is assembled dynamically with graphics (and/or

images) and titles which match together to present look-and-feel of bookshelves.

(Druin col.4, para.4, col. 6, fig.3)

Claim 19: the method according to claim 16, wherein said Visual Bookshelves

and Visual Books are written dynamically based on a database, a data file or a

XML file, or their combination, with support of software program, said database, a

data file or a XML file can be an existing one or created in response of a request

from user interfaces locally or over network (Druin col.4, para.4, col. 5, para. 3-5).

Claim 20: the method according to claim 16, wherein said Visual Bookshelves

and Visual Books are generated dynamically based on the structure of an

existing hierarchical directory tree in the computer's file system or local/network

storage system, with support of software program (Druin fig. 1-8 on col. 7-8,

col.4, para.5). Druin shows that the visual search categories, which may

represent a bookshelf, and the visual books are structured based on an existing

hierarchical directory on a web server.

Claim 21: The method according to claim 16, wherein said Visual Bookshelves

are virtually arranged in lines or rows by modeling the physical bookshelves and

presented in elevation view, side view, end view, plan view or 3-D effect view

(Druin fig. 2)

Claim 22: The method according to claim 16, wherein said graphic user

interfaces for presenting Visual Bookshelf or Visual Bookshelves comprises link

or links to Visual Library or Visual Library Group or other Visual Bookshelves;

said Visual Library has the look-and-feel of a physical library in image or graphic

format and the classifications of library are based on the building units (Druin fig.

1 and 2, col. 5, para. 2 and 3).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Robertson et al (hereinafter Robertson), 6,486,895, issued Nov. 26,2002 and filed Sep.

8, 1995, in further view of Druin et al (hereinafter Druin), May 1, 2003.

With respect to dependent claim 11, Robertson discloses a method of presenting visual

bookshelf on a web page (see fig. 15,1504).

Robertson fails to expressly disclose the method according to claim 1, wherein said web

page for presenting Visual Bookshelves that comprise **links to Visual Library or**

Visual Library Group or other Visual Bookshelves.

Druin expressly teaches the visual search categories, which may represent visual

bookshelves, link to visual region library, using the globe interface (see col. 5, para.2-3,

col. 6, fig.1-2)

Accordingly, it would have been obvious to one of ordinary skill in the art, having the

teachings of Robertson and Druin before him at the time of the invention was made, to

modify the system of Robertson to incorporate a link to visual library. One would have

been motivated to make such a combination because of the need to have the global

links to different library groups as taught by Druin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daeho D. Song whose telephone number is 5712727524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on 5712721130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JOSEPH S. DEL SOLE
PRIMARY EXAMINER
1/25/07